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## FACSIMILE TRANSMITTAL SHEET

### Confidential

DATE: *January 28, 2005*

TO: *Office of Petitions*

COMPANY: *USPTO*

FAX: *(703) 872-9306*

FROM: *Barbara Westphal*

PHONE: *(845) 368-4000*

FAX: *(845) 368-8770*

RE: *Patent No. 5,960,067; Appln. No. 08/889,776; filed 7/8/1997; issued 9/28/1999*

Number of pages including this cover sheet: *8*

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

#### MESSAGE:

Attached herewith please find a RETRANSMISSION of a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) for the above-referenced patent. I am also attaching proof of transmission via fax of this document on October 26, 2004, and again on January 18, 2005. According to your office, this Petition was never received.

#### Confidentiality Note:

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the party named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original message to us at the address by mail. Thank you.

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PTO/SB/66 (09-04)

Approved for use through 05/31/2006. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

Mail to: Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 Fax: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

Patent No. 5,960,087 Application Number 08/889,776

Issue Date 09/28/1999 Filing Date 07/08/1997

**CAUTION:** Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.368(c) and (d).

Also complete the following information, if applicable

The above - identified patent:

- ☐ Is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_, original application number \_\_\_\_\_, original filing date \_\_\_\_\_.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_ filed on \_\_\_\_\_.

## **CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. *Faxed*

October 26 2005  
 Date

Paul J. Lerner  
 Signature

Paul J. Lerner

Typed or printed name of person signing Certificate

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/68 (09-04)

Approved for use through 05/31/2006. OMB 0651-0018

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ <u>470.00</u>	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 470.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 1,640.00

## 5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ \_\_\_\_\_.
- ☒ Please charge Deposit Account No. 503240 the sum of \$ 2,110.00. A duplicate copy of this authorization is attached.
- ☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 503240. A duplicate copy of this authorization is attached.

(Page 2 of 3)

PTO/SB/88 (09-04)

Approved for use through 05/31/2006. OMB 0851-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 7. OVERPAYMENT

As to any overpayment made please

☒ Credit to Deposit Account No. 503240

OR ☐ Send refund check.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## 8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

## 9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Paul J. Lerner October 26, 2004  
Signature(s) of Petitioner(s) Date

Paul J. Lerner 27,554  
Typed or printed name(s) Registration Number, if applicable

845-368-4000  
Telephone Number

Montebello Park, 75 Montebello Road  
Address

Suffern, NY 10901  
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

## ENCLOSURES:

- ☐ Maintenance Fee payment
- ☐ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- ☐



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DATE: *January 18, 2005*

TO: Mail Stop Petition

COMPANY: USPTO

FAX: (703) 872-9306

FROM: *Paul J. Lerner*

PHONE: (845) 368-4000

FAX: (845) 368-8770

RE: Retransmission of Petition

Number of pages including this cover sheet: *5 6*

RE: Patent No. 5,960,067, Application No. 08/889,776, filed 7/8/97, issued 9/28/99

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\* \* \* COMMUNICATION RESULT REPORT ( JAN.18.2005 1:40PM ) \* \* \*

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CORPORATION

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JAN.28.2005 4:31PM

GENERAL PATENT CORPORATION INT'L

NO.152 P.8/B 1

\* \* \* COMMUNICATION RESULT REPORT ( OCT.26.2004 12:58PM ) \* \* \*

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659 MEMORY TX		17038729306	OK	P. 4/4

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